

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EMMANUEL S. YANGA,

Plaintiff,

vs.

EASTMAN, correctional officer at state prison of Nebraska, in their individual and official capacities; WESSEL, correctional officer at state prison of Nebraska, in their individual and official capacities; SCHAFFER, correctional officer at state prison of Nebraska, in their individual and official capacities; and PATIDA, correctional officer at state prison of Nebraska, in their individual and official capacities,

Defendants.

8:19-CV-420

ORDER ON PLAINTIFF'S

This case is before the Court on plaintiff Yanga's November 21, 2022, Application to Proceed on Appeal Without Prepaying Fees or Costs. [Filing 91](#). Pursuant to Federal Rule of Appellate Procedure 24(a)(3), "A party who was permitted to proceed in forma pauperis in the district-court action, . . . may proceed on appeal in forma pauperis without further authorization, unless" one of the circumstances set out in subsection (A) or (B) of that Rule applies. Yanga was granted leave to proceed in forma pauperis in this action. *See* [Filing 27](#). Although the Court doubts Yanga's appeal has merit, the Court cannot certify "that the appeal is not taken in good faith" or that Yanga "is not otherwise entitled to proceed inn forma pauperis." Fed. R. App. P. 24(a)(3)(A). Nor is the Court aware of any statutory prohibition on Yanga proceeding in forma pauperis. Fed. R. App. P. 24(a)(3)(B). Even though Yanga is no longer incarcerated, he is still indigent and unable to pay the full filing fee in advance. Accordingly,

IT IS ORDERED that plaintiff Yanga's November 21, 2022, Application to Proceed on Appeal Without Prepaying Fees or Costs, [Filing 91](#), is granted.

Dated this 29th day of November, 2022.

BY THE COURT:



Brian C. Buescher
United States District Judge